

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**JACKSON WOMEN’S HEALTH
ORGANIZATION, on behalf of itself and its
patients, and SACHEEN CARR-ELLIS, on
behalf of herself and her patients**

PLAINTIFFS

VS.

Case No. 3:18-cv-171-CWR-FKB

**THOMAS E. DOBBS, M.D., M.P.H., in his
official capacity as State Health Officer of the
Mississippi Department of Health, et al.**

DEFENDANTS

**FORMER GOVERNOR PHIL BRYANT’S EMERGENCY MOTION TO QUASH
DEPOSITION SUBPOENA OR, ALTERNATIVELY, FOR
PROTECTIVE ORDER TO SAME EFFECT**

COMES NOW Dewey Phillip (“Phil”) Bryant (“Governor Bryant”), former Governor of Mississippi, by and through counsel, and pursuant to FED. R. CIV. P. 45(d)(3) and 26(c)(1) and L.U.Civ.R. 7(b)(8), files this his emergency motion to quash the deposition subpoena served upon him or, alternatively, for a protective order to the same effect, and in support thereof would show unto the Court the following:

1. The Court should quash the deposition subpoena served upon Governor Bryant, who is not a party to this action challenging the constitutionality of Mississippi’s abortion laws, because as the former Governor of Mississippi, Governor Bryant is protected by (1) the high-ranking government official privilege; and (2) legislative privilege. Alternatively, the Court should enter a protective order to the same effect.

2. **GOOD FAITH CERTIFICATION:** Pursuant to FED. R. CIV. P. 26(c)(1) and L.U.Civ.R. 37(a), the undersigned counsel for Governor Bryant hereby certifies that he has in good

faith conferred with Plaintiffs' counsel in an effort to resolve this matter without Court action and has to date been unable to do so. In compliance with L.U.Civ.R. 37(a), a Good Faith Certificate is attached hereto as Exhibit "L." *See* Good Faith Certificate (Ex. "L").

3. Governor Bryant adopts and incorporates by reference, as if fully and completely set forth herein, the arguments and authorities set forth in the *Memorandum of Authorities in Support of Former Governor Phil Bryant's Emergency Motion to Quash Deposition Subpoena or, Alternatively, for Protective Order to Same Effect*, being filed contemporaneously herewith.

4. On the basis of the grounds asserted herein and as further set forth in the aforementioned memorandum of authorities, Governor Bryant is entitled to the protections of the high-ranking government official privilege and/or legislative privilege, and therefore he should not be compelled to testify in this proceeding.

5. Given the March 11, 2021, deposition date specified in the subpoena, and having filed the instant motion within seven (7) days of the effective date of service of the notice of deposition, Governor Bryant hereby requests that the Court consider the instant motion on an urgent and/or necessitous basis pursuant to L.U.Civ.R. 7(b)(8).

6. In further support of his motion, Governor Bryant submits the following:

Exhibit "A"	2/12/2021 Good Faith E-mails between Mr. Avidan and Mr. Shannon
Exhibit "B"	Subpoena
Exhibit "C"	Notice of Deposition
Exhibit "D"	2/11/2021 Transmittal E-mail
Exhibit "E"	2/11/2021 Objection/Good Faith Letter from Mr. Shannon to Plaintiffs' Counsel
Exhibit "F"	2/12/2021 Good Faith E-mail from Mr. Shannon to Plaintiffs' Counsel, copying Defense Counsel

Exhibit “G” 2/16/2021 Transmittal E-mail
Exhibit “H” 2/16/2021 Good Faith Letter from Mr. Avidan to Mr. Shannon
Exhibit “I” 2/17/2021 E-mail from Mr. Shannon to Mr. Avidan, copying
Defense Counsel
Exhibit “J” 2/17/2021 E-mails between Mr. Avidan and Mr. Shannon
Exhibit “K” 2/18/2021 E-mails between Mr. Avidan and Mr. Shannon
Exhibit “L” Good Faith Certificate

WHEREFORE, PREMISES CONSIDERED, Dewey Phillip (“Phil”) Bryant, former Governor of Mississippi, respectfully requests that the Court would make and enter its Order quashing the subpoena for testimony and related notice of deposition served upon him by Plaintiffs in the above-styled and numbered cause or, alternatively, make and enter its Protective Order to the same effect.

THIS the 19th day of February, 2021.

Respectfully submitted,

DEWEY PHILLIP (“PHIL”) BRYANT

By: LYNN FITCH, ATTORNEY GENERAL
STATE OF MISSISSIPPI

By: s/Rex M. Shannon III
REX M. SHANNON III (MSB #102974)
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ATTORNEYS FOR DEWEY PHILLIP (“PHIL”) BRYANT

CERTIFICATE OF SERVICE

I, Rex M. Shannon III, attorney for Dewey Phillip (“Phil”) Bryant, do hereby certify that I have this date caused to be filed with the Clerk of the Court a true and correct copy of the above and foregoing via the Court’s ECF System, which sent notification of such filing to all counsel of record.

THIS the 19th day of February, 2021.

s/Rex M. Shannon III
REX M. SHANNON III